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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,410	05/25/2001	Moshe M. Matsa	POU900172US1	4980
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HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203				
			EXAMINER JACOBS, LASHONDA T	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,410

Applicant(s)

MATSA ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 1, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 16-26, 31, 33-43 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-26, 31, 33-43 and 48-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' Amendment/Request for Reconsideration filed on August 1, 2005. Claims 12-15, 27-30, 32 and 44-47 have been cancelled. Claims 1-11, 16-26, 31, 33-43 and 48-51 are presented for further examination.

Affidavits/Declaration

The evidence provided in the Declaration filed on October 7, 2005 under 37 CFR 1.131 is sufficient to overcome the Shavit et al reference (U.S. Pub. No. 200201607757) filed on April 26, 2001. However, the Declaration fails to overcome the Somashekar et al reference (U.S. Pat. No. 2002/0116477) filed on December 7, 2000, which has a priority date of December 8, 1999. The effective filing date of the reference is December 8, 1999.

Applicants' failed to map the claim language to the evidence and Declaration provided.

Claims 1-11, 33-43, 48, 49 and 51 appear to show reduction to practice. See MEPE 2138.05 1 and 2.

Claims 16-23, 31 and 50 are not addressed in the Declaration.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 16-26, 31, 33-43 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al (hereinafter, "Thro", U.S. Pat. No. 6,147,997 in view Somashekar et al (hereinafter, "Somashekar", U.S. Pub. No. 2002/0116477).

As per claims 1, 16, 31 and 33, Thro discloses a method, system and program storage device of routing instant messages, said method comprising:

- a delivery policy to be used to route an instant message to an intended recipient of the instant message, wherein the delivery policy is based upon a configuration of the delivery manager (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67);
- user configuration of the intended recipient, and one or more available delivery mechanisms (col. 3, lines 48-63); and
- routing said instant message to the intended recipient using said delivery policy (col. 5, lines 55-67).

However, Thro does not explicitly disclose:

- defining, at runtime a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- defining, at runtime a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **2**, **17** and **34**, Thro discloses wherein said defining of the delivery policy comprises:

- defining a routing policy based on said user configuration and said one or more available delivery mechanisms, wherein said routing policy includes one or more possible delivery mechanisms (col. 3, lines 48-63 and col. 5, lines 55-67); and
- selecting from the routing policy at least one delivery mechanism to be included in the delivery policy, said selecting being based upon the configuration the delivery manager (col. 8, lines 62-67 and col. 9, lines 1-20).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **3**, **18** and **35**, Thro wherein said defining of the delivery policy comprises:

- determining, from the user configuration, one or more delivery mechanisms supported by said intended recipient (col. 3, lines 48-63);

- determining which of said one or more delivery mechanisms supported by said intended recipient are included in the one or more available delivery mechanisms to yield one or more possible delivery mechanisms (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67); and
- determining which of the one or more possible delivery mechanisms are supported by the delivery manager, as indicated in the configuration of the delivery manager, a result of which defines the delivery policy (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims 4, 19 and 36, Thro discloses:

- wherein said routing comprises dispatching the instant message to at least one delivery mechanism of the delivery policy, as indicated by the delivery policy (col. 5, lines 55-67).

As per claims **5**, **20** and **37**, Thro discloses:

- wherein said routing comprises dispatching the instant message at least one delivery mechanism of the delivery policy, as indicated by the delivery policy (col. 5, lines 55-67).

As per claims **6**, **21** and **38**, Thro further discloses:

- selecting the delivery manager from a plurality of delivery managers (col. 4, lines 60-66).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **7**, **22** and **39**, Thro discloses the invention substantially as claims discussed above.

However, Thro does not explicitly disclose:

- configuring said pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- configuring said pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claim **8**, **23** and **40**, Thro disclose wherein said configuring comprises:

- selecting a configuration for said delivery manager from a set of one or more configurations, wherein said selecting uses content of the instant message to make the selection (col. 4, lines 60-67, col. 5, lines 1-11 and lines 55-67).

However, Thro does not explicitly disclose:

- a pluggable delivery manager.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- a pluggable delivery manager (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

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As per claims **9**, **24** and **41**, Thro discloses the invention substantially as claims discussed.

However, Shavit does not explicitly disclose:

- wherein said configuring comprises configuring said pluggable delivery manager at runtime.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- wherein said configuring comprises configuring said pluggable delivery manager (pluggable component) at runtime (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **10**, **25** and **42**, Thro discloses:

- wherein the intended recipient is indicated by the instant message (col. 3, lines 48-63).

As per claims **11**, **26** and **43**, Thro discloses the invention substantially as claims discussed above:

However, Thro does not explicitly disclose:

- wherein at least one available delivery mechanism of said one or more available delivery mechanisms is pluggable.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

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- wherein at least one available delivery mechanism of said one or more available delivery mechanisms is pluggable (pluggable component) (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

As per claims **48, 49, 50 and 51**, Thro discloses the invention substantially as claims discussed above:

However, Thro does not explicitly disclose:

- wherein the pluggable delivery manager is dynamically added at runtime.

Somashekar discloses a Bundle Configuration Utility (BCU) for configuring network deliverable pluggable components comprising:

- wherein the pluggable delivery manager (pluggable component) is dynamically added at runtime (paragraphs 0010-0011 and 0015-0016).

Given the teaching of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11, 16-26, 31, 33-43 and 48-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
October 13, 2005


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